

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERARD A. NELSON, : CONSOLIDATED UNDER
: MDL 875
Plaintiff, :
: OCT 30 2015
v. :
: MICHAEL E. KUNZ, Clerk
A-C PRODUCT LIABILITY TRUST, :
et al., : By _____ Dep. Clerk
: E.D. Pa. Civil Action No.
Defendants. : 2:11-cv-30555-ER

FILED

OCT 30 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

O R D E R

AND NOW, this **26th** day of **October, 2015**, upon further review of the facts surrounding the Motion for Summary Judgment (Judicial Estoppel) of the Thompson Hine Shipowner Defendants¹ (ECF No. 107), it is hereby **ORDERED** that the previous order on the motion (dated September 29, 2015) (ECF No. 140²) is hereby **sua sponte VACATED** as having been based on an erroneous recitation by the Court of the facts surrounding Plaintiff's bankruptcy petition.

It is further **ORDERED** that the motion is instead:

¹ These Defendants are: (1) Exxon Company, USA, (2) Mobil Oil Corporation, and (3) Seariver Maritime, Inc. (ECF No. 107-1.)

² The previous order (1) denied the motion as to arguments related to judicial estoppel and (2) denied the motion without prejudice as to arguments related to the real party in interest/standing.

- (1) **DENIED** as to the arguments related to judicial estoppel; and
- (2) **DENIED** as to the arguments related to the real party in interest/standing.

It is **FURTHER ORDERED**, in accordance with the accompanying memorandum, that the Clerk of this Court shall (a) make a copy of this order and the accompanying memorandum and have said copy filed on the docket of Plaintiff's bankruptcy case in the Bankruptcy Court for the Northern District of Florida (No. 00-bk-42135-LMK); (b) ascertain the identity of the Chapter 13 standing trustee; and (c) have served upon the trustee a copy of said order and memorandum at his/her last known address.

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.